

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 659**

1     **AN ACT** *to renumber and amend* 157.06 (3) (c) 2.; *to amend* 157.06 (1) (c),  
2           157.06 (3) (c) 1., 157.06 (4) (am) 2., 157.06 (5) (b) 1. and 157.06 (5) (b) 2.; and *to*  
3           **create** 157.06 (1) (km), 157.06 (3) (c) 2. a., 157.06 (3) (c) 2. b., 157.06 (3) (c) 2.  
4           c., 157.06 (6m) and 157.06 (10m) of the statutes; **relating to:** consent for the  
5           uses of certain anatomical gifts and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

6           **SECTION 1.** 157.06 (1) (c) of the statutes is amended to read:  
7           157.06 **(1)** (c) “Document of gift” means a card, a statement attached to or  
8           imprinted on a license under s. 343.175 (2) or on an identification card under s.  
9           343.50 (3), a will, or another writing, including a writing under sub. (3) (c) 2., that  
10          is used to make an anatomical gift.

1           **SECTION 2.** 157.06 (1) (km) of the statutes is created to read:

2           157.06 (1) (km) “Tissue bank” means a corporation that recovers, processes, or  
3 distributes tissue for transplantation into humans.

4           **SECTION 3.** 157.06 (3) (c) 1. of the statutes is amended to read:

5           157.06 (3) (c) 1. ~~Executing~~ Subject to sub. (6m), if applicable, executing a  
6 document of gift that is signed by the individual.

7           **SECTION 4.** 157.06 (3) (c) 2. of the statutes is renumbered 157.06 (3) (c) 2. (intro.)  
8 and amended to read:

9           157.06 (3) (c) 2. (intro.) ~~Making a telegraphic,~~ Subject to sub. (6m), if applicable,  
10 making a recorded telephonic or other recorded message, or other form of  
11 communication, to another that is reduced to writing and signed by the recipient at  
12 the time it is received. In the instance of a recorded message in which a hospital,  
13 organ procurement organization, tissue bank, coroner, or medical examiner is  
14 requesting an anatomical gift, the hospital, organ procurement organization, tissue  
15 bank, coroner, or medical examiner shall do all of the following:

16           **SECTION 5.** 157.06 (3) (c) 2. a. of the statutes is created to read:

17           157.06 (3) (c) 2. a. Inform the individual that the conversation is recorded and  
18 that a recorded copy of the conversation is available upon request and, if requested,  
19 provide such a copy.

20           **SECTION 6.** 157.06 (3) (c) 2. b. of the statutes is created to read:

21           157.06 (3) (c) 2. b. Read aloud to the individual the sentences required under  
22 sub. (6m) (a).

23           **SECTION 7.** 157.06 (3) (c) 2. c. of the statutes is created to read:

24           157.06 (3) (c) 2. c. Note on the request form that the individual has been read  
25 the sentences required under sub. (6m) (a) and note any limitations that the

1 individual imposes on the use of the bones or tissues or the types of organizations  
2 that recover, process, or distribute the donation. If the procedure under this  
3 subdivision is followed, the individual's signature or initials, as specified in sub. (6m)  
4 (b), are not required.

5 **SECTION 8.** 157.06 (4) (am) 2. of the statutes is amended to read:

6 157.06 (4) (am) 2. The official has made a reasonable effort, taking into account  
7 the useful life of the part of the body, to locate and examine the decedent's medical  
8 records and, subject to sub. (6m), inform individuals listed in sub. (3) (a) of their  
9 option to make, or object to making, an anatomical gift.

10 **SECTION 9.** 157.06 (5) (b) 1. of the statutes is amended to read:

11 157.06 (5) (b) 1. If at or near the time of death of a patient there is no medical  
12 record or evidence obtained under par. (c) that the patient has made, revoked or  
13 refused to make an anatomical gift, the hospital administrator or a representative  
14 designated by the administrator shall discuss with an available individual, under  
15 the priority established in sub. (3) (a), the option to make or refuse to make an  
16 anatomical gift and request, subject to sub. (6m), that the individual make an  
17 anatomical gift of all or a part of the decedent's body. Alternatively, the administrator  
18 shall contact by telephone the organ procurement organization designated for the  
19 region of which the hospital is a part. If the administrator or representative contacts  
20 the organ procurement organization, he or she shall provide the organ procurement  
21 organization with the identifier number of the patient, the patient's age, the actual  
22 or potential cause of the patient's death and, if available, the patient's medical  
23 history.

24 **SECTION 10.** 157.06 (5) (b) 2. of the statutes is amended to read:

1           157.06 (5) (b) 2. If the organ procurement organization is contacted under subd.  
2           1., the organ procurement organization shall, in consultation with the attending  
3           physician of the patient under subd. 1., determine if an anatomical gift is suitable,  
4           based upon accepted medical standards, for a purpose specified in sub. (6) (a). If the  
5           organ procurement organization and the patient’s attending physician determine  
6           that an anatomical gift is not so suitable, hospital personnel shall make a notation  
7           to this effect in the patient’s medical record. If the organ procurement organization  
8           and the patient’s attending physician determine that an anatomical gift is so  
9           suitable, an organ procurement organization representative or a requester  
10          designated by the organ procurement organization shall discuss with an available  
11          individual, under the priority established in sub. (3) (a), the option to make or refuse  
12          to make an anatomical gift and request, subject to sub. (6m), that the individual  
13          make an anatomical gift of all or a part of the decedent’s body.

14           **SECTION 11.** 157.06 (6m) of the statutes is created to read:

15           **157.06 (6m)** CONSENT FOR OR LIMITATION ON CERTAIN USES OF BONES OR TISSUE;  
16          REQUIREMENTS. (a) A hospital, organ procurement organization, tissue bank, coroner,  
17          or medical examiner that provides a document of gift to a potential donor or to an  
18          individual under sub. (3) (a) shall include in the document of gift the following  
19          sentences: “I understand that donated bones or tissues, including skin, may have  
20          numerous uses, including for reconstructive and cosmetic purposes, and that  
21          multiple organizations, including nonprofit and for-profit organizations, may  
22          recover, process, or distribute the donations. I further understand that I may, by this  
23          document, limit the use of the bones or tissues, including skin, that are donated or  
24          types of organizations that recover, process, or distribute the donation.”

1 (b) The document of gift under par. (a) shall include, following the 2nd sentence  
2 required in par. (a), all of the following:

3 1. A line or space for the donor or individual under sub. (3) (a) to sign or initial  
4 to acknowledge that he or she has read the sentences specified in par. (a) or that the  
5 sentences have been read aloud to him or her. Except as provided in sub. (3) (c) 2.  
6 c., failure of the donor or individual to place his or her initials or signature in the line  
7 or space is a refusal to make an anatomical gift of bones or tissues.

8 2. A line or space for the donor or individual under sub. (3) (a) to sign or initial  
9 and specify a limitation, if any, on the use of bones or tissues or on the types of  
10 organizations that recover, process, or distribute the donation.

11 (c) If a potential donor or individual makes an anatomical gift under this  
12 subsection, the hospital, organ procurement organization, tissue bank, coroner, or  
13 medical examiner that provides to the donor or individual a document of gift under  
14 par. (a) shall also provide the donor or individual with the telephone number and  
15 address of the agency or organization that recovers the anatomical gift.

16 (d) The requester under par. (a) shall provide the donor or the individual under  
17 sub. (3) (a), as applicable, with a copy of any document of gift executed under the  
18 requirements of this subsection.

19 **SECTION 12.** 157.06 (10m) of the statutes is created to read:

20 157.06 (10m) PENALTY. Whoever fails to comply with the requirement to  
21 provide sentences under sub. (3) (c) 2. b. or sub. (6m) (a) may be subject to a forfeiture  
22 of not less than \$500 nor more than \$1,000 for each violation.

23 **SECTION 13. Nonstatutory provisions.**

24 (1) STUDY ON DOCUMENT OF GIFT FORM. The department of health and family  
25 services shall study and, by January 1, 2007, report to the legislature in the manner

1 provided under section 13.172 (3) of the statutes concerning the need for a uniform  
2 document of gift form specifically for hospitals, organ procurement organizations,  
3 tissue banks, coroners, or medical examiners to provide to potential anatomical gift  
4 donors or other individuals under section 157.06 (6m) of the statutes. In conducting  
5 the study, the department of health and family services shall consult with hospitals,  
6 organ procurement organizations, tissue banks, coroners, and medical examiners.

7 **SECTION 14. Initial applicability.**

8 (1) This act first applies to requests for anatomical gifts that are made on the  
9 effective date of this subsection.

10 **SECTION 15. Effective date.**

11 (1) This act takes effect on this first day of the 7th month beginning after  
12 publication.

13 (END)